



PATENT
Attorney Docket No. 04121.0003-02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13
D.G.J.
9/18/97

In re Application of: Sorge et al.)
Serial No.: 08/529,767 ✓)
Filed: September 18, 1995)
For: NOVEL POLYMERASE)
COMPOSITIONS AND USES)
THEREOF)

Group Art Unit: 1807
Examiner: E. Campbell

APPROVED

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner ("assignee") Stratagene, duly organized under the laws of the State of California and having its principal place of business at 11099 North Torrey Pines Road, La Jolla, California, 92037, represents that it is the only assignee of the entire right, title and interest in and to both the above-identified application, Serial No. 08/529,767 filed 9/18/95 for Novel Polymerase Compositions and Uses Thereof in the name of Sorge et al. as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 7250, Frame 0923 to 0925, and is and at all times was the only assignee of application Serial No. 197,791, filed Feb. 16, 1994 (now U.S. Patent No. 5,556,772), for Novel Polymerase Compositions and Uses Thereof in the name of Sorge et al. as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 7250, Frame 0923 to 0925.

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Assignee Stratagene further represents that the evidentiary documents establishing the assignments have been viewed and certifies, that to the best of assignee's knowledge and belief, title to the above-identified application and the United States Patent No. 5,556,772 are in assignee, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, Stratagene hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 08/529,767, which would extend beyond the expiration date of Patent No. 5,556,772 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,556,772, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on Appl. No. 08/529,767 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent No. 5,556,772, as presently shortened by any terminal disclaimer, in the event that Patent No. 5,556,772: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee Stratagene.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

STRATAGENE

By: Ronni L. Sherman
Ronni L. Sherman
Vice President and General Counsel

Date: July 22, 1997

MPB/DPF/mmc